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BY HAND DELIVERY

May 7, 2018

The Honorable Greg Walden
Chairman
Committee on Energy and Commerce
United States House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce
United States House of Representatives
2322A Rayburn House Office Building
Washington, D.C. 20515

RE: Letter dated March 7, 2018

Dear Chairman Walden and Ranking Member Pallone,

On behalf of the United States Tennis Association Incorporated (USTA), I am writing in response to your letter dated March 7, 2018 requesting that the USTA provide certain information and documents in connection with the Committee's investigation into sexual abuse in organized sports.

Pursuant to ongoing communications between USTA's counsel and Committee staff, the USTA formally submitted information and documents in response to the Committee's requests dated March 21, 2018. Today, the USTA is supplementing its previous submission with additional information and documents (see attached Appendix A) that have been identified after a reasonable search and review.

In responding to the Committee's requests, the USTA has used its best efforts to be as accurate and responsive as possible based on its understanding of the terms used in your letter. The representations herein are based on reasonably available information and are not intended to, and do not, capture every event related to your requests, nor are they an exhaustive description of the events discussed. Consistent with discussions with Committee staff, this supplemental response is part of a rolling production. The USTA is continuing efforts to identify documents and information in connection with the Committee's requests.

In providing information and documents in response to your letter, the USTA does not waive, nor does it intend to waive, any of its rights or privileges with respect to your inquiry, including any applicable attorney-client, work product, or other evidentiary privilege, or any objection to your letter. The information and documents included in this submission may contain or constitute confidential and

proprietary information of the USTA. Accordingly, the USTA has marked such documents submitted today with the legend "USTA CONFIDENTIAL TREATMENT REQUESTED." We respectfully request advance notice of any contemplated disclosure of the information and documents the USTA has voluntarily submitted to the Committee, as well as a reasonable opportunity to object.

The USTA fully supports the Committee's focus on these critical issues, including the NGB policies and procedures in place to safeguard athletes of all ages, and we appreciate the opportunity to provide this response.

Sincerely,



Gordon A. Smith
Chief Executive Officer & Executive Director
USTA

cc: The Honorable Gregg Harper, Chairman
Subcommittee on Oversight and Investigations

The Honorable Diana DeGette, Ranking Member
Subcommittee on Oversight and Investigations

The Honorable Robert E. Latta, Chairman
Subcommittee on Digital Commerce and Consumer Protection

The Honorable Janice D. Schakowsky, Ranking Member
Subcommittee on Digital Commerce and Consumer Protection

Appendix A

USTA'S RESPONSE TO COMMITTEE'S REQUESTS DATED MARCH 7, 2018

The USTA submits the following in response to the Committee's letter from March 7, 2018. Please note that some of the documents produced today may be responsive to more than one of the Committee's requests.

Request 3. All documents and communications regarding policies, procedures, or guidance provided to your NGB by the U.S. Center for SafeSport regarding how to handle reports, complains, or allegations of sexual abuse since the U.S. Center for SafeSport was launched in 2017.

Documents USTA-EC-000129 to USTA-EC-000981 are provided in connection with this request. The USTA is providing these documents on a CD, which has been encrypted to ensure the privacy and integrity of the data. The password to gain access to the materials will be sent by separate correspondence.

Request 5. Detailed data to demonstrate the number of reports, complaints, or allegations of sexual abuse made to your organization and the handling of that information. Please provide the following information, by year: the total number of written and oral reports, complaints and allegations received by your NGB regarding sexual abuse; the number of cases and investigations opened; the number of written and oral reports, complaints, and allegations referred to law enforcement; the number of cases shared or discussed with the USOC; the number of cases and investigations resolved, including the manner of resolution; the number of suspensions and lifetime bans issued; the number of cases in which no action was taken by the NGB after receipt of written or oral reports, complaints, or allegations; and all other information necessary to demonstrate the organization's handling of these cases.

Prior to the launch of the U.S. Center for SafeSport in March, 2017, reports of sexual abuse or misconduct made to the USTA were managed solely through the USTA's Safe Play program which was introduced in 2013. Therefore, the enclosed response provides reporting information from 2013 to the present. While there was no formal communications with the USOC SafeSport division on individual matters prior to the launch of the U.S. Center for SafeSport, the USTA periodically sought policy and/or procedural guidance on sexual abuse issues from the USOC. As the National Governing Body for the sport of tennis, the USTA is committed to ensuring the safety of its athletes and to taking action on every report it receives. Toward that end, the USTA has opened a case or investigation into every report, complaint or allegation received, whether through referral to law enforcement, launching an internal investigation, or most recently referring all to the U.S. Center for SafeSport.

- In 2013, the USTA received three reports of sexual abuse, one of which occurred and was adjudicated in Australia. Internal investigations were conducted and completed in all matters, (the Australian matter investigation was triggered when the USTA received notice that the accused Australian subject had relocated to the United States). In the second matter law enforcement was

already engaged at the time the USTA received the report. The third matter was not reported to law enforcement as it was a code of conduct policy violation only. One report resulted in the accused individual receiving a red light by the USTA and subsequently being permanently banned from sport by the U.S. Center for SafeSport.¹ The second report resulted in the individual receiving a red light by the USTA.² The final report resulted in a suspension of the individual's participation in five events.

- In 2014, the USTA received eight reports of sexual abuse and internal investigations were completed in each matter. Of the eight reports, law enforcement was already engaged in five at the time the USTA received the report; the USTA referred one report to law enforcement; one report was referred to the local USTA Section which advised the accused individual's employer; and one was determined to be a violation of a code of conduct policy which did not arise to a level requiring referral to law enforcement. The subjects of seven of these reports received a red light determination from the USTA and the individual whose matter was a policy violation was suspended from his duties for four months.
- In 2015, the USTA received four reports of sexual abuse and internal investigations were completed in each matter. In all cases law enforcement was engaged, three cases reported prior to notice given to the USTA and one after. All four individuals received a red light determination from the USTA.
- In 2016, the USTA received one report of sexual abuse and an internal investigation was completed. Law enforcement was already engaged when the USTA received the report. This individual received a red light determination from the USTA.
- In 2017, the USTA received six reports of sexual abuse all of which were referred to the U.S. Center for Safe Sport. An investigation was opened for all matters. Four of the reports have been closed by the U.S. Center for SafeSport and two are considered by the U.S. Center for Safe Sport to be open investigations. Of the six, three had been reported to law enforcement, two by the USTA and one by the U.S. Center for SafeSport. Two of the matters not reported to law enforcement were code of conduct policy violations only. The sixth case was not reported to law enforcement as the anonymous subject refused to provide additional information for which a law enforcement referral could be made (the USTA has not closed this matter and continues to investigate). The subjects of four of these reports received red light determinations from the USTA. For the fifth matter, the USTA terminated the individual's contract, suspended him from participation for five months and required sensitivity training.

¹ This matter is the result of ongoing litigation involving an individual who had been incarcerated at the time the USTA received this report. The USTA determined that based on the severity of this matter and that this individual is expected to be released from prison in 2034, the U.S. Center for SafeSport be advised and provided the opportunity to levy the appropriate sanction.

² To confirm compliance with Safe Play, the USTA adopted a "red light" and "green light" protocol. Those individuals who complete the three-steps required for Safe Play compliance will receive a "green light". Those who are either in the process of certifying completion or whom the USTA has received a report of misconduct receive a "red light" and are not permitted to participate in any USTA youth programs, tournaments or events. While there is an appeal process in place, none of the individuals who have received this determination based on a report the USTA has received, has exercised this option.

- To date in 2018, the USTA has received five reports of sexual abuse all of which were referred to the U.S. Center for Safe Sport. An investigation was opened for four matters; the fifth was investigated by the International Tennis Federation (ITF). The USTA reported one of these matters to law enforcement; law enforcement was already engaged in three matters prior to USTA receiving notice (two of these individuals are currently incarcerated); and the fifth matter was not reported to law enforcement as it was a code of conduct policy violation only. Two reports are closed and the U.S. Center for SafeSport has permanently banned those individuals from sport; three reports are currently open and pending with the U.S. Center for SafeSport. All four individuals received a red light determination from the USTA; and as one of those individuals has been permanently banned from sport by the U.S. Center for SafeSport and was a current USTA member, the USTA permanently rescinded this individual's USTA membership. In the fifth instance, the USTA will honor the six month suspension of the individual instituted by the ITF.

Request 6. Does your NGB maintain a list of individuals banned or suspended from participation with your NGB (hereinafter "lists" or "lists")?

e. How many people are on each of the lists because of a matter related to sexual abuse?

The USTA has adopted a "red light" protocol as part of its Safe Play Program, as described in our response to Request 5. Since the USTA's Safe Play Program was implemented in 2013, 22 individuals have been added to the USTA's red light list for matters related to sexual abuse.

As noted in our previous written response to the Committee, the USTA also honors requests from third party domestic and international sources, as such as the Tennis Integrity Unit (TIU), the International Tennis Federation (ITF), the Association of Tour Professionals (ATP) and the Women's Tennis Association (WTA) to prohibit certain individuals who are not USTA members from attending certain USTA events. These individuals are added to the USTA's "Do Not Credential" database. In these instances, the USTA is not provided the details of the prohibition against the individual, but reasons may include sexual abuse.

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